

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Twenty Eighth day of April
Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.7467 of 2021

SURIYAN

[PETITIONER / ACCUSED]

vs

STATE REP.BY
THE INSPECTOR OF POLICE,
J-4 KOTURPURAM POLICE STATION,
CHENNAI 600 085
(CRIME.NO.133 OF 2021)

[RESPONDENT]

For Petitioner : M/S.B. MOHANRAJ Advocate

For Respondent : MR.T. SHUNMUGARAJESWARAN, Govt. Advocate
(Criminal Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 341, 294(b), 324 and 506(ii) of IPC in Crime No.133 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity, the petitioner along with other accused persons waylaid the defacto complainant and attacked him and assaulted him with knife. He was admitted in the hospital, where the law enforcing agency recorded the statement of the defacto complainant and registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. Hence, he sought for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that the petitioner is A2 in

this case. The petitioner and other accused persons waylaid the defacto complainant and assaulted him using knife and caused severe injuries. He further submitted that the injured has been discharged from the hospital.

5. Taking into consideration the facts and circumstances of the case and also the submission of the learned Government Advocate that the injured has been discharged from hospital, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned IX Metropolitan Magistrate, Saidapet, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
28/04/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1. THE IX METROPOLITAN MAGISTRATE
SAIDAPET, CHENNAI
2. THE CHIEF METROPOLITAN MAGISTRATE
SAIDAPET, CHENNAI (For information)
3. THE INSPECTOR OF POLICE,
J-4 KOTURPURAM POLICE STATION,
CHENNAI 600 085
4. THE PUBLIC PROSECUTOR
HIGH COURT MADRAS 104.

CC to M/S.B. MOHANRAJ Advocate on payment of necessary charges

CRL OP.7467/2021

Date :28/04/2021

SP (24/06/2021)

WEB COPY